

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 21, 2008
FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Mathis called the meeting to order at 7:30 p.m.

Present: Mathis, Krug, Brown, Goupil, Tucker, Zimmer, Operations Manager
Broecker and Attorney Cooley

Absent: Carmody

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Trustee Zimmer asked to have *Potential Ballot Proposal* to the New Business section of the agenda. Supervisor Mathis asked to have *Fenton Lakes Sportsman Club Concerns* added to the Reports section of the agenda and a revision to Treasurer Carmody's resignation date added to New Business. Motion to approve the 4/21/08 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Carmody

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 4/7/08 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures for payment as presented.

Motion by: Tucker

Seconded: Brown

Ayes: Mathis, Krug, Brown, Goupil, Tucker, Zimmer

Nays: None

Absent: Carmody

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Les Scott – Loose Senior Citizen Center Update

Les Scott, Fenton Township's representative on the Loose Senior Citizen Center Board, updated the board on center activities. In response to questions raised by board members during his last quarterly report, Mr. Scott stated that a system is being implemented to track the residency of people utilizing the center's services. Once operational, we will be able to determine how many Fenton Township residents are taking advantage of the center. Regarding funding from the Genesee County senior millage, The Loose Center received \$151,673 in 2007 and \$183,881 in 2008. Mr. Scott also provided recent utilization statistics for the various senior center programs. The board thanked Mr. Scott for his report.

Quarterly Investment Report

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 21, 2008**

Operations Manager Broecker reported that a new Michigan law requires the Township Treasurer to provide a quarterly report of Township investments to the board. The board reviewed Treasurer Carmody's report, which listed a total of \$6.3 million invested among the various Township funds. Approximately \$3.3 million of that total are sewer bond proceeds not yet spent. Noting that some Township funds are invested in "sweep accounts", Trustee Zimmer stated that she had never heard of a sweep account and asked for an explanation. Operations Manager Broecker explained that balances in the checking accounts are invested overnight through the use of a daily investment account commonly referred to as sweep accounts as the funds are "swept" to and from the account on a daily basis. This provides a higher rate of return than regular deposit rates.

Sewer Report

Trustee Tucker reported that sewer work on Firestone Drive in the Alpine Shore subdivision resulted in a large volume of water pouring into the trench, possibly from an artesian well. As a result, the foundation of the adjacent home has sunk 3-4 inches and has caused damage to the house. The insurance companies are sorting out the liability issues and plans are in the works to shore up the home's foundation so that repairs can begin.

COMMUNICATIONS:

Letter From 911 Consortium – EMS Ordinance Lawsuit

Supervisor Mathis reviewed a letter from 911 Consortium attorney Lyndon Lattie regarding the ongoing litigation over the Genesee County EMS Ordinance. The letter indicates that, despite recommendations from Genesee County officials and corporate counsel, the consortium does not plan to bring the local communities into the lawsuit. Clerk Krug suggested that county officials may be in violation of their oath of office in recommending legal action against local communities and should consider resigning. The board continued to discuss concerns relating to the county EMS ordinance.

FEMA Flood Risk Open House

Supervisor Mathis reviewed a letter and notice from the Federal Emergency Management Authority (FEMA) regarding an upcoming open house. The open house will be held at the Mundy Township Board Room on Tuesday 4/29/08 from 5:00 p.m. to 7:00 p.m. This meeting is open to the public and will provide information regarding flood risks to interested individuals. A preliminary meeting for government officials will be held from 2:00 p.m. to 4:00 p.m.

Fenton Lakes Sportsman Club Concerns

Mark Crowley, 1263 Victoria Lane, stated that his neighbor Ruth Rash had reported to him that several bullets from the Fenton Lake Sportsman Club (FLSC) had flown over her head when she was in her driveway on 4/17/08. According to the FLSC schedule, the Flint Township Police Department was conducting tactical training at the facility at the time the incident occurred. Mr. Crowley provided a letter from Ms. Rash and her niece Victoria Thompson, who was with her at the time. He also circulated photos showing a potential path from the shooting range to their neighborhood. The bullet catcher installed since last year has improved the situation but there are still low areas on the berm that should be addressed.

Other public comment:

Ruth Rash, 1288 Victoria Lane
Victoria Thompson, Hartland, MI

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 21, 2008**

Todd Somsky, 1285 Victoria Lane
Larry Godlewski, 1302 Victoria Lane

Their comments/concerns included:

- Neighbors are very concerned about safety.
- The Township needs to act to improve safety.
- The Genesee County Sheriff Department did not respond with the appropriate level of urgency.

It was pointed out that the Township has very little authority in this matter but the Public Safety Committee will investigate and contact the FLSC to see what can be done to address these concerns.

ADOPTION OF ORDINANCES:

Proposed Amplified Sound Ordinance/2nd Reading

Supervisor Mathis reviewed a proposed new Amplified Sound Ordinance, which was introduced at the 4/7/08 meeting. The proposed ordinance was developed to update the existing ordinance, which was adopted in 1977. There was no further discussion.

Motion to adopt Ordinance No. 698, an ordinance to regulate the use of amplified sound devices, as presented.

Motion by: Tucker

Seconded: Brown

Ayes: Mathis, Krug, Brown, Goupil, Tucker, Zimmer

Nays: None

Absent: Carmody

Motion carried. Ordinance declared adopted.

Proposed Zoning Ordinance Amendment – Temporary Structures/1st Reading

Supervisor Mathis introduced a proposed Zoning Ordinance amendment regarding temporary structures. A similar ordinance was reviewed by the board at a workshop meeting. Based on the concerns and issues raised at that workshop, Zoning Administrator Doug Piggott has drafted revisions to the proposed ordinance, which is presented for consideration this evening. After a brief discussion, the board agreed to move this ordinance to the 4/28/08 workshop meeting.

Proposed Zoning Ordinance Amendment – Kennels, Household Pets/1st Reading

Supervisor introduced a proposed Zoning Ordinance amendment to revise the definitions for the *Keeping of household pets* and *Private kennels*. The amendment would allow households to have up to 3 dogs age 6 months or older rather than 2 dogs age 4 months or older. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended adoption. Trustee Tucker stated that the intent of the proposed amendment is to provide more flexibility in dog ownership, specifically citing the example where dog owners decide to keep a puppy as an ultimate replacement for adult dogs that are getting older. Additionally, a survey of surrounding communities shows that most allow 3 or 4 adult dogs. Our current limit of 2 is the lowest in the area.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 5/5/08 meeting.

UNFINISHED BUSINESS:

Proposed Planning Services Agreement – Birchler Arroyo Associates, Inc.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 21, 2008**

Supervisor Mathis reviewed a proposed agreement with Birchler Arroyo Associates to create a pattern book and corresponding Zoning Ordinance amendments for the Thompson Road Corridor. This is based on the results of the visual preference survey recently conducted by Mr. Arroyo's firm. Trustee Tucker added that this is the next step in the process of creating standards for the Thompson Road Corridor. Trustee Brown asked if the standards could be applied to the entire Township. Trustee Tucker responded that the standards would pertain to commercial development and would not likely be appropriate for residential areas. Trustee Zimmer stated that she thought the funds already spent covered the creation of a pattern book. It was clarified that Birchler Arroyo's original proposal was in phases. The public input survey and the resulting report was the first phase. This phase will cost approximately \$11,400.00.

Motion to approve the planning services agreement with Birchler Arroyo Associates, Inc. as presented, and to authorize the Township Supervisor and Clerk to execute said agreement on behalf of Fenton Township.

Motion by: Brown

Seconded: Tucker

Ayes: Mathis, Krug, Brown, Goupil, Tucker, Zimmer

Nays: None

Absent: Carmody

Motion carried.

NEW BUSINESS:

Request for Extension of Preliminary Plat Approval – Pinnacle Shores

Supervisor Mathis reported that Tom Atwell, the developer of the Pinnacle Shores subdivision, has requested an extension to the tentative approval of his preliminary plat for the entire Pinnacle Shores subdivision. The subdivision is being platted in phases and the extension of the preliminary plat approval will allow Mr. Atwell to continue with the platting process for the remaining phases. Trustee Tucker added that the current economy has brought most development to a standstill. Granting extensions is the right thing to do.

Motion to grant a one-year extension to the tentative approval of the Preliminary Plat of Pinnacle Shores, as presented.

Motion by: Tucker

Seconded: Brown

Ayes: Mathis, Krug, Brown, Goupil, Tucker, Zimmer

Nays: None

Absent: Carmody

Motion carried.

GCRC Local Road Improvement Agreement - Ray Road

Supervisor Mathis reviewed a proposed agreement with Mundy Township and the Genesee County Road Commission for the limestone resurfacing of Ray Road from Linden Road to the west township boundary. Fenton Township is allocating all of its 50/50 funding and \$38,000.00 from the General Fund to the project. Mundy Township has already approved the agreement. There was no further discussion.

Motion to approve the local road improvement agreement with the Genesee County Road Commission and the Charter Township of Mundy as presented, and to authorize the Township Supervisor and Clerk to execute said agreement on behalf of Fenton Township.

Motion by: Brown

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 21, 2008**

Seconded: Goupil
Ayes: Mathis, Krug, Brown, Goupil, Tucker, Zimmer
Nays: None
Absent: Carmody

Motion carried.

2008 Dust Control Agreement – Genesee County Road Commission

Supervisor Mathis reviewed information regarding the Genesee County Road Commission’s dust control program for 2008. The proposed agreement includes one application of liquid calcium chloride on unpaved roads funded by the Road Commission and the option of one or two applications funded by the Township. Based on the mileage of unpaved roads in Fenton Township, our cost would be approximately \$16,200.00 per application. It was noted that the Township has budgeted for one application, which has traditionally been for the September time frame. Trustee Zimmer added that the Genesee County Drain Commissioner has been paying for one additional chloride application on a portion of Hogan Road due to the truck traffic in and out of the sewage treatment plant and that this practice should continue.

Motion to approve the 2008 Genesee County Road Commission Dust Control Program, including one application of liquid calcium chloride at the Township’s expense, as presented.

Motion by: Brown
Seconded: Zimmer
Ayes: Mathis, Krug, Brown, Goupil, Tucker, Zimmer
Nays: None
Absent: Carmody

Motion carried.

Revised Letter of Resignation – Treasurer Patrick Carmody

Supervisor Mathis reported that Treasurer Patrick Carmody has indicated that he intended to make his resignation effective 4/15/08, rather than 5/15/08. Therefore he has submitted a revised letter establishing the effective date as 4/30/08.

Motion to accept, with deep regret, the resignation of Treasurer Patrick J. Carmody, effective April 30, 2008.

Motion by: Krug
Seconded: Brown
Ayes: Mathis, Krug, Brown, Goupil, Tucker, Zimmer
Nays: None
Absent: Carmody

Motion carried.

Potential Ballot Proposal

Trustee Zimmer suggested that a proposal could be placed on the ballot to determine if Fenton Township residents are for or against public water. Operations Manager Broecker stated that it is his understanding that spending township funds on a non-binding, advisory election would constitute an illegal expenditure. The board also discussed other options to obtain public input, such as an on-line survey or a “Town Hall” meeting. This will be researched further.

Mosquito Program Update

Supervisor Mathis reported that the Township was notified today that the spring aerial larvicide application for mosquito control will take place tomorrow, April 22nd. A “crop

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 21, 2008**

duster” type plane is used to drop larvicide pellets into remote, wet areas that cannot be reached by vehicle or on foot. Supervisor Mathis also reported that she received a letter from the Michigan Department of Agriculture acknowledging receipt of the Township’s community outreach program plan for mosquito abatement. Trustee Brown stated that he was pleased to see the Material Safety Data Sheets (MSDS) for the various pesticides used by APM are now posted on the Township website. None of the sheets indicate that the compounds are carcinogens.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Les Scott, 12499 Margaret Drive

Mr. Scott reported that he will forward a copy of the 2007 Metro Alliance Report to the Township.

Susan Foland, 11421 Fairbanks Road

Ms. Foland asked how many people attended the Thompson Road Corridor Visual Preference workshop in January. Trustee Tucker stated that he believes there were between 60-75 attendees. Ms. Foland also asked how many residents were in attendance versus developers or builders. Supervisor Mathis stated that this was not specifically tracked, however the majority of attendees were residents.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked for clarification regarding the aerial larviciding discussed earlier. Supervisor Mathis stated that this is one of the components of the Township’s mosquito control program. It is only for mosquito control.

Mr. Hawcroft stated that the Road Commission did a good job improving Whitaker Road, north of Owen Road.

Mr. Hawcroft asked if the Amplified Sound Ordinance applies to businesses. Trustee Tucker stated that the ordinance is intended to regulate private outdoor events. Commercial establishments are generally regulated by a Special Use Permit.

Beth Larson, 4386 Stepping Stone Lane

Ms. Larson distributed information regarding the use of pesticides in controlling mosquitoes. She is very concerned about the potential health hazards from the use of pesticides and encouraged the Township to protect its residents by eliminating the use of adulticide sprays.

ADJOURN: Meeting adjourned at 10:10 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 4/22/08